

REQUIRES MONITORING
OR STAFF ACTION _____

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>September 28, 2005</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2005-67-C - -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		_____

SUBJECT:

DOCKET NO. 2005-67-C: Petition of MCImetro Access Transmission Services, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Farmers Telephone Cooperative, Inc., Home Telephone Co., Inc., PBT Telecom, Inc., and Hargray Telephone Company, Concerning Interconnection and Resale under the Telecommunications Act of 1996

COMMISSION ACTION:

Mr. Chairman, with respect to Docket No. 2005-67-C, I move that the Commission adopt the following resolutions of the issues in controversy. My motion is grouped into Topics and Issues in the same way the parties organized their briefing to the Commission:

Topic 1: Direct vs. Indirect Service (Issues 6, 10(a), 15 and 17)

As to Issue 6: End users should be defined as only the end user directly served by the Parties to the contract.

As to Issue 10(a): The scope of this agreement includes only service provided directly to end users of MCI.

As to Issue 15: This contract term “directly provided” is needed to provide certainty to the parties that third party traffic is not included within the scope of this agreement.

As to Issue 17: Parties must be providing service directly to the end users to port numbers, because current FCC rules require only service provider portability.

Topic 2 – ISP-Bound Traffic and Virtual NXX (Issues 8, 10(b) and 13)

As to Issue 8: ISP traffic is considered to be an enhanced service by the FCC and therefore is under FCC jurisdiction. However, the FCC considers ISP-bound traffic to be a unique subset of ESP traffic and applies the same logic to ISP-bound traffic that it applies to non-ESP traffic for Inter-carrier compensation. Therefore, when the ISP is not physically located within the LATA where the call originates, the traffic is not subject to reciprocal compensation.

As to Issue 10(b): For purposes of this agreement, MCI should have to provide service only to End Users physically located in the same LATA.

As to Issue 13: All intraLATA traffic should be exchanged on a bill and keep basis.

Topic 3 – Reciprocal Compensation Rate (Issue 21)

As to Issue 21: This issue is moot because of Issue 13.

Topic 4: Calling Party Identification (CPN and JIP) (Issues 2, 14, and 16)

As to Issues 3, 14 & 16: In addition to CPN, companies should be required to provide JIP where it is 1) technologically and 2) economically feasible as defined by not being a barrier to entry. Unidentified traffic will be prorated by jurisdiction according to the identified traffic.

PRESIDING	<u>Mitchell</u>				Session: Regular
	MOTION	YES	NO	OTHER	Time of Session <u>2:30 PM</u>
CLYBURN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	APPROVED _____
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS _____
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING _____
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED _____
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED _____
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED _____
WRIGHT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		SUSPENDED _____
					CANCELED _____
					SET FOR HEARING _____
					ADVISED _____
					CARRIED OVER _____
					RECORDED BY <u>SCHMIEDING</u>

Commissioner Clyburn was absent due to attending a NARUC Committee Meeting.